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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

Hoy's, Inc., Skill Properties, LLC, James
Massengill, Kaylea Massengill, and Haldun,
Inc.,

Plaintiff,

vs.

EBJ&F, LLC, Med-Health Pharmaceutical
Products, LLC, and Edwin Fujinaga,

Defendants.

EBJ&F, LLC, Med-Health Pharmaceutical
Products, LLC, and Edwin Fujinaga,

Counterclaimants,

vs.

Hoy's Inc., Skill Properties, LLC, James
Massengill, Kaylea Massengill, and Haldun,
Inc.; DOES I through X; ROE
CORPORATIONS XI through XX, inclusive,

Counter-Defendants.

Case No.: 2:13-cv-00912-APG-VCF

**STIPULATION TO ENLARGE TIME TO
EXCHANGE EXPERT REPORTS**

(SECOND REQUEST)

Defendants and Counterdefendants EBJ&F, LLC, Med-Health Pharmaceutical Products, LLC, and Edwin Fujinaga, by and through their court-appointed receiver on the one hand, and Plaintiffs and Counterclaimants Hoy's, Inc., Skill Properties, LLC, James Massengill, Kaylea Massengill, and Haldun, Inc., on the other hand, hereby stipulate and agree:

1 **A. Discovery that has been completed.**

2 The parties have each made their initial disclosures, and supplements thereto.

3 Each party has propounded and responded to one set of written discovery.

4 Plaintiffs have identified one expert, and produced a partial expert report.

5 Both parties have produced several thousands of pages of documents. In total, there have
6 been well over 10,000 pages of documents produced.

7 **B. Discovery that remains to be completed.**

8 Defendants/Counterclaimants intend on taking the depositions of the
9 Plaintiffs/Counterdefendants and propounding subpoenas on third parties, along with additional
10 discovery that is required. Defendants/Counterclaimants intend on supplementing their
11 disclosures as necessary, propounding further written discovery, and deposing witnesses before
12 the end of discovery. Defendants/Counterclaimants further intend on disclosing experts as
13 necessary.

14 Additional discovery is required as to the amounts paid towards the outstanding
15 indebtedness that Defendants/Counterclaimants allege is owed by Plaintiffs/Counterdefendants.

16 **C. The reasons why the deadline was not satisfied or the remaining discovery**
17 **was not completed within the time limits set by the discovery plan.**

18 The parties have continued to discuss settlement and have continued to evaluate various
19 possible settlement approaches. Prior to receiver's involvement in this case, the parties had
20 previously agreed to a tentative settlement agreement of this litigation. The tentative settlement,
21 however, returned control of certain assets to Defendants herein, which was not appropriate or
22 advisable given the receivership. Counsel for Receiver is approaching settlement from an
23 entirely different perspective, and has advised Plaintiffs and Counterdefendants that a settlement
24 offer will be forthcoming in the next several days. The parties would like to avoid the expense
25 of finalizing expert reports, particularly in this instance as the dispute arguably includes many
26 tens of thousands of transactions over several years.

27 The parties are hopeful that with just a few more weeks, a settlement may be possible,
28 and the parties therefore request the Court accommodate this request to facilitate this process.

D. A proposed schedule for completing all remaining discovery.

	<u>Current Deadline</u>	<u>Proposed Deadline</u>
Disclosure of Initial Expert Reports	10/20/2015	11/13/2015
Disclosure of Rebuttal Expert Reports	11/20/2015	12/11/2015

All other discovery deadlines shall remain unchanged from the Scheduling Order Entered on 9/10/2015 (Dkt. 77).

DATED October 19, 2015.

LYNCH LAW PRACTICE, PLLC

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IT IS SO ORDERED.


UNITED STATES MAGISTRATE JUDGE

DATED: 10-19-2015